In the Supreme Court of the United States

OCTOBER TERM, 1970

No. 1051

JAMES S. REIFF, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

After a jury-waived trial in the United States District Court for the Northern District of Indiana, petitioner, a licensed physician, was convicted of having failed to keep accurate and complete records with respect to dispensing of depressant and stimulant drugs, in violation of 21 U.S.C. 331(q)(4). He was sentenced to one year's confinement, with six months to be served in prison and the remainder spent on probation. The court of appeals affirmed (Pet. App.).

Petitioner's sole contention in this Court is that Section 331(q)(4) violated his privilege against compulsory self-incrimination. The claim is fully answered in the opinion of the court below, upon which we rely. As that opinion points out, the record-keeping requirement is not directed at a group or class inherently suspect of criminal activity. The requirement rather deals with "records of a lawful professional activity in dealing with dangerous drugs under the Act" (Pet. App.).

It is therefore respectfully submitted that the petition for a writ of certiorari should be denied.

ERWIN N. GRISWOLD,
Solicitor General.

JANUARY 1971.

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